

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|------------------|---|------------------|
| KIPTON FLEMING, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | No. CIV-05-690-C |
| |) | |
| EDWARD L. EVANS, |) | |
| |) | |
| Respondent |) | |

ORDER AFFIRMING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on January 31, 2006. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly the Report and Recommendation of the Magistrate Judge (Dkt. No. 31) is adopted and the Respondent's Motion to Dismiss Remaining Fourth Claim for Relief as Time-Barred (Dkt. No. 12), which has been converted to a Motion for Summary Judgment, is **GRANTED**. The Court therefore finds all claims time-barred (see Order 11/30/05). A judgment will enter accordingly.

IT IS SO ORDERED this 27th day of February, 2006.



ROBIN J. CAUTHRON
United States District Judge